



General Assembly

Bill No. 44

February Session, 2006

LCO No. 703

* SB00044APP__041806__ *

Referred to Committee on Select Committee on Aging

Introduced by:

SEN. DELUCA, 32nd Dist.

REP. WARD, 86th Dist.

AN ACT CONCERNING REGISTRATION OF HOMEMAKER-COMPANION AGENCIES WITH THE DEPARTMENT OF CONSUMER PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) As used in sections 1 to 11,
2 inclusive, of this act:

3 (1) "Certificate" means a certificate of registration issued under
4 section 3 of this act.

5 (2) "Commissioner" means the Commissioner of Consumer
6 Protection or any person designated by the commissioner to
7 administer and enforce the provisions of sections 1 to 11, inclusive, of
8 this act.

9 (3) "Companion services" means nonmedical, basic supervision
10 services to ensure the well-being and safety of a person in such
11 person's home.

12 (4) "Employee" means any person employed by, or who enters into a

13 contract to perform services for, a homemaker-companion agency,
14 including, but not limited to, temporary employees, pool employees
15 and independent contractors.

16 (5) "Homemaker services" means nonmedical, supportive services
17 that ensure a safe and healthy environment for a person in such
18 person's home, such services to include assistance with personal
19 hygiene, cooking, household cleaning, laundry and other household
20 chores.

21 (6) "Homemaker-companion agency" means any public or private
22 organization, employing one or more persons that is engaged in the
23 business of providing companion services or homemaker services.
24 Homemaker-companion agency shall not include a home health care
25 agency, as defined in subsection (d) of section 19a-490 of the general
26 statutes, or a homemaker-home health aide agency, as defined in
27 subsection (e) of section 19a-490 of the general statutes.

28 (7) "Service plan" means a written document provided by a
29 homemaker-companion agency to a person utilizing services provided
30 by such agency, that specifies the scope, type, frequency and duration
31 of homemaker or companion services that are to be provided by such
32 agency for the benefit of the person.

33 Sec. 2. (NEW) (*Effective July 1, 2006*) No person acting individually
34 or jointly with any other person shall establish, conduct, operate or
35 maintain a homemaker-companion agency in this state without first
36 obtaining a certificate of registration from the Commissioner of
37 Consumer Protection pursuant to section 3 of this act.

38 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) Any person seeking a
39 certificate of registration as a homemaker-companion agency shall
40 apply to the Commissioner of Consumer Protection, in writing, on a
41 form provided by the commissioner. The application shall include the
42 applicant's name, residence address, business address, business
43 telephone number and such other information as the commissioner
44 may require. An applicant shall also be required to certify under oath

45 to the commissioner that: (1) Such agency complies with the
46 requirements of section 9 of this act concerning employee state
47 criminal history records checks, (2) such agency provides all persons
48 receiving homemaker or companion services with a written
49 individualized contract or service plan that specifically identifies the
50 scope, type, frequency and duration of homemaker or companion
51 services provided by the agency to the person, and (3) that all records
52 maintained by such agency shall be open, at all reasonable hours, for
53 inspection, copying or audit by the commissioner.

54 (b) Each application for a certificate of registration as a homemaker-
55 companion agency shall be accompanied by a fee of three hundred
56 dollars.

57 (c) Upon the failure by a homemaker-companion agency to comply
58 with the registration provisions of this section, the Attorney General, at
59 the request of the Commissioner of Consumer Protection, is authorized
60 to apply in the name of the state of Connecticut to the Superior Court
61 for an order temporarily or permanently restraining and enjoining a
62 homemaker-companion agency from continuing to do business in the
63 state.

64 Sec. 4. (NEW) (*Effective July 1, 2006*) Upon receipt of a completed
65 application and fee, the Commissioner of Consumer Protection shall
66 issue and deliver to the applicant a certificate to engage in the business
67 for which the application was made; or refuse to issue the certificate.
68 The commissioner may suspend, revoke or refuse to issue or renew
69 any certificate issued under sections 1 to 11, inclusive, of this act or
70 may place a registrant on probation or issue a letter of reprimand. No
71 application for the reinstatement of a certificate which has been
72 revoked shall be accepted by the commissioner within one year after
73 the date of such revocation.

74 Sec. 5. (NEW) (*Effective July 1, 2006*) (a) Upon refusal to issue or
75 renew a certificate, the Commissioner of Consumer Protection shall
76 notify the applicant of the denial and of the applicant's right to request

77 a hearing not later than ten days after the date of receipt of the notice
78 of denial.

79 (b) If the applicant requests a hearing within such ten days, the
80 commissioner shall give notice of the grounds for the commissioner's
81 refusal and shall conduct a hearing concerning such refusal in
82 accordance with the provisions of chapter 54 of the general statutes
83 concerning contested cases.

84 (c) If the commissioner's denial of a certificate is sustained after such
85 hearing, an applicant may make new application not less than one year
86 after the date on which such denial was sustained.

87 Sec. 6. (NEW) (*Effective July 1, 2006*) (a) The Commissioner of
88 Consumer Protection, at all reasonable hours, may inspect, copy or
89 audit all records maintained by such agency. The commissioner may
90 conduct investigations and hold hearings on any matter under the
91 provisions of sections 1 to 11, inclusive, of this act. The commissioner
92 may issue subpoenas, administer oaths, compel testimony and order
93 the production of books, records and documents. If any person refuses
94 to appear, to testify or to produce any book, record, paper or document
95 when so ordered, upon application of the commissioner, a judge of the
96 Superior Court may make such order as may be appropriate to aid in
97 the enforcement of this section.

98 (b) The Attorney General, at the request of the commissioner, is
99 authorized to apply in the name of the state of Connecticut to the
100 Superior Court for an order temporarily or permanently restraining
101 and enjoining any person from violating any provision of sections 1 to
102 11, inclusive, of this act.

103 Sec. 7. (NEW) (*Effective July 1, 2006*) (a) The Commissioner of
104 Consumer Protection may revoke, suspend or refuse to issue or renew
105 any certificate of registration as a homemaker-companion agency or
106 place an agency on probation or issue a letter of reprimand for: (1)
107 Conduct by the agency, or by an employee of the agency while in the
108 course of employment, of a character likely to mislead, deceive or

109 defraud the public or the commissioner; or (2) engaging in any
110 untruthful or misleading advertising.

111 (b) The commissioner shall not revoke or suspend any certificate of
112 registration except upon notice and hearing in accordance with chapter
113 54 of the general statutes.

114 Sec. 8. (NEW) (*Effective July 1, 2006*) (a) Each person obtaining a
115 homemaker-companion agency certificate of registration shall: (1)
116 Exhibit the agency's certificate of registration upon request by any
117 interested party, (2) state in any advertisement the fact that the agency
118 is registered, and (3) include the agency's registration number in any
119 advertisement.

120 (b) No person shall: (1) Present or attempt to present, as such
121 person's own, the certificate of another, (2) knowingly give false
122 evidence of a material nature to the Commissioner of Consumer
123 Protection for the purpose of procuring a certificate, (3) represent
124 himself or herself falsely as, or impersonate, a registered homemaker-
125 companion agency, (4) use or attempt to use a certificate which has
126 expired or which has been suspended or revoked, (5) offer to provide
127 homemaker or companion services without having a current certificate
128 of registration under the provisions of sections 1 to 11, inclusive, of this
129 act, or (6) represent in any manner that such person's registration
130 constitutes an endorsement by the commissioner of the quality of
131 services provided by such person.

132 (c) In addition to any other remedy provided for in sections 3 to 7,
133 inclusive, of this act, any person who violates any provision of
134 subsection (b) of this section, shall be fined not more than one
135 thousand dollars or imprisoned not more than six months, or both.

136 (d) Certificates issued to a homemaker-companion agency shall not
137 be transferable or assignable.

138 (e) All certificates issued under the provisions of sections 1 to 11,
139 inclusive, of this act shall expire annually. The fee for renewal of a

140 certificate shall be the same as the fee charged for an original
141 application pursuant to section 3 of this act. Fees collected pursuant to
142 the issuance of a certificate or renewal of a certificate shall be deposited
143 in the General Fund.

144 (f) Failure to receive a notice of expiration of registration or a
145 renewal application shall not exempt a homemaker-companion agency
146 from the obligation to renew.

147 Sec. 9. (NEW) (*Effective July 1, 2006*) (a) Any homemaker-companion
148 agency shall require that any current or prospective employee of such
149 agency submit to a state criminal history records check. The criminal
150 history records check required by this section shall be conducted in
151 accordance with section 29-17a of the 2006 supplement to the general
152 statutes and the costs incurred for such check shall be paid by the
153 homemaker-companion agency.

154 (b) If a homemaker-companion agency receives notice of a state
155 criminal history records check concerning a current or prospective
156 employee, the agency shall make its determination concerning the
157 employment status of such person based on: (1) The level and
158 seriousness of the crime; (2) when the crime was committed; (3) the age
159 of the current or prospective employee at the time the crime was
160 committed; (4) the circumstances surrounding the crime; (5) the
161 relationship between the crime and the current or prospective
162 employee's duties as a direct care provider; and (6) the current or
163 prospective employee's criminal and corrections record since the
164 crime.

165 Sec. 10. (NEW) (*Effective July 1, 2006*) A homemaker-companion
166 agency shall not provide homemaker services or companion services to
167 any person, unless prior to providing any such services, the agency
168 provided the person who is to receive the services with a written
169 contract or service plan that prescribed the scope, type, frequency,
170 duration and cost of the services to be provided by the agency, and
171 such contract or service plan was accepted and signed by the person

172 who is to receive the services. In addition, any contract or service plan
 173 provided by a homemaker-companion agency to a person receiving
 174 services shall also provide notice (1) of the person's right to request
 175 changes to, or review of the contract or service plan, (2) that all the
 176 employees of such agency have submitted to a state criminal history
 177 records check, and (3) that such agency's records are available for
 178 inspection or audit by the Department of Consumer Protection.

179 Sec. 11. (NEW) (*Effective July 1, 2006*) The Commissioner of
 180 Consumer Protection shall adopt regulations, in accordance with
 181 chapter 54 of the general statutes, for purposes of sections 1 to 11,
 182 inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	New section
Sec. 5	<i>July 1, 2006</i>	New section
Sec. 6	<i>July 1, 2006</i>	New section
Sec. 7	<i>July 1, 2006</i>	New section
Sec. 8	<i>July 1, 2006</i>	New section
Sec. 9	<i>July 1, 2006</i>	New section
Sec. 10	<i>July 1, 2006</i>	New section
Sec. 11	<i>July 1, 2006</i>	New section

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PS *Joint Favorable*

FIN *Joint Favorable*

APP *Joint Favorable*